1) S.B. CR.MISC.BAIL APPL.NO.7567/2007.
Iqbal and anr. Vs. State

2) S.B. CR.MISC.BAIL APPL.NO.7566/2007.
Sahud and anr. Vs. State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri R.K. Mathur &
Shri Harendra Singh Sinsinwar for the petitioners.
Shri Ashvini Sharma PP for the State.

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Since both the bail applications arise out of the common first information report being FIR No.380/2007 PS Tijara, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that the first information report against the petitoners has been lodged at theinstance of the Sub-Inspector of Police Station Tijara itself in which offences under Sections 420 nd 120B IPC and Sec.3/25 of the Arms Act alleged to have been committed. It is argued that even from the contents of the FIR, no offence u/S.420 IPC is made out against the petitioners inasmuch as, no

allegation has been made by the complainant as to the alleged cheating. What has been stated is that certain persons were found sitting at the given place and were trying to settle a deal for sale of a Gold Brick. Recovery of gun for offence u/S.3/25 of the Arms Act has been made from co-accused Iqbal whereas recovery of Gold Brick has not been assigned to any accused in specific. The petitioners were arrested on 22/9/2007 and since then, they are in jail. The investigation is almost complete and trial of the case will take long. Further detention of the petitioners is now no longer required for any purpose of investigation. No previous criminal case was ever registered against the petitioners.

Learned Public Prosecutor has opposed the bail application and has argued that in view of seriousness of allegations against the petitioners, they do not deserve extension of benefit of bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioners on bail during trial.

In the result, both the bail applications u/S.439 Cr.P.C. are allowed and it is directed that petitioners Iqbal S/o Rujdar, Nurddin S/o Mawasi, Sahud S/o Aas Mohd. and Sahun S/o Deen Mohd. shall be released on bail in FIR No.380/2007 PS Tijara, District Alwar for offences under Sections 420 and 120B IPC subject to each of them furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

anil/-